

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 227

HOUSE BILL 2095

AN ACT

AMENDING SECTIONS 25-320, 25-503, 25-504, 25-522, 46-402, 46-407, 46-408 AND 46-441, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-409; RELATING TO CHILD SUPPORT ENFORCEMENT; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 25-320, Arizona Revised Statutes, is amended to read:

25-320. Child support; factors; methods of payment; additional enforcement provisions; definitions

A. In a proceeding for dissolution of marriage, legal separation, maintenance or child support, the court may order either or both parents owing a duty of support to a child, born to or adopted by the parents, to pay an amount reasonable and necessary for support of the child, without regard to marital misconduct. If child support has not been ordered by a child support order and if the court deems child support appropriate, the court shall direct, using a retroactive application of the child support guidelines to the date of filing a dissolution of marriage, legal separation, maintenance or child support proceeding, the amount that the parents shall pay for the past support of the child and the manner in which payment shall be paid, taking into account any amount of temporary or voluntary support that has been paid. Retroactive child support is enforceable in any manner provided by law. The supreme court shall establish guidelines for determining the amount of child support. The amount resulting from the application of these guidelines is the amount of child support ordered unless a written finding is made, based on criteria approved by the supreme court, that application of the guidelines would be inappropriate or unjust in a particular case. The supreme court shall review the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts. The supreme court shall base the guidelines and criteria for deviation from them on all relevant factors, including:

1. The financial resources and needs of the child.
2. The financial resources and needs of the custodial parent.
3. The standard of living the child would have enjoyed had the marriage not been dissolved.
4. The physical and emotional condition of the child, and the child's educational needs.
5. The financial resources and needs of the noncustodial parent.
6. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
7. The duration of parenting time and related expenses.

B. In the case of a mentally or physically disabled child, if the court, after considering the factors set forth in subsection A of this section, deems it appropriate, the court may order support to continue past the age of majority and to be paid to the custodial parent, guardian or child, even if at the time of the filing of a petition or at the time of the final decree, the child has reached the age of majority.

1 C. If a child reaches the age of majority while the child is attending
2 high school or a certified high school equivalency program, support shall
3 continue to be provided during the period in which the child is actually
4 attending high school or the equivalency program but only until the child
5 reaches nineteen years of age unless the court enters an order pursuant to
6 subsection B of this section. Notwithstanding any other provision of law,
7 a parent paying support for a child over the age of majority pursuant to this
8 section is entitled to obtain all records related to the attendance of the
9 child in the high school or equivalency program.

10 D. If a personal check for support payments and handling fees is
11 rightfully dishonored by the payor bank or other drawee, the person obligated
12 to pay support shall make any subsequent support payments and handling fees
13 only by cash, money order, cashier's check, traveler's check or certified
14 check. If a person required to pay support other than by personal check
15 demonstrates full and timely payment for twenty-four consecutive months, that
16 person may pay support by personal check if these payments are for the full
17 amount, are timely tendered and are not rightfully dishonored by the payor
18 bank or other drawee.

19 E. Subsection D of this section does not apply to payments made by
20 means of an assignment.

21 F. If AFTER REASONABLE EFFORTS TO LOCATE THE OBLIGEE the clerk or
22 support payment clearinghouse is unable to deliver payments for ~~a~~ THE period
23 of ~~three months~~ PRESCRIBED IN SECTION 25-503 due to the failure of the person
24 to whom the support has been ordered to be paid to notify the clerk or
25 support payment clearinghouse of a change in address, the clerk or support
26 payment clearinghouse shall not deliver further payments and shall return the
27 payments to the obligor CONSISTENT WITH THE REQUIREMENTS OF SECTION 25-503.

28 G. An order for child support shall assign responsibility for
29 providing medical insurance for the child who is the subject of the support
30 order and shall assign responsibility for the payment of any medical costs
31 of the child that are not covered by insurance. In title IV-D cases, the
32 parent responsible pursuant to court order for providing medical insurance
33 for the child shall notify the support payment clearinghouse prescribed in
34 section 46-441 if the child is no longer covered under an employer's
35 insurance plan. The support payment clearinghouse shall notify the child
36 support enforcement agency in the department of economic security of the
37 lapse in insurance coverage.

38 H. In title IV-D cases the superior court shall accept for filing any
39 documents that are received through electronic transmission if the
40 electronically reproduced document states that the copy used for the
41 electronic transmission was certified before it was electronically
42 transmitted.

43 I. The court shall presume, in the absence of contrary testimony, that
44 a noncustodial parent is capable of full-time employment at least at the

1 federal adult minimum wage. This presumption does not apply to noncustodial
2 parents who are under the age of eighteen and who are attending high school.

3 J. An order for support shall provide for an assignment pursuant to
4 sections 25-504 and 25-323.

5 K. Each licensing board or agency that issues professional,
6 recreational or occupational licenses or certificates shall record on the
7 application the social security number of the applicant and shall enter this
8 information in its data base in order to aid the department of economic
9 security in locating parents or their assets or to enforce child support
10 orders. This subsection does not apply to a license that is issued pursuant
11 to title 17 and that is not issued by an automated drawing system. If a
12 licensing board or agency allows an applicant to use a number other than the
13 social security number on the face of the license or certificate while the
14 licensing board or agency keeps the social security number on file, the
15 licensing board or agency shall advise an applicant of this fact.

16 L. For the purposes of this section:

17 1. "Child support guidelines" means the child support guidelines that
18 are adopted by the state supreme court pursuant to 42 United States Code
19 sections 651 through 669B.

20 2. "Support" has the same meaning prescribed in section 25-500.

21 3. "Support payments" means the amount of money ordered by the court
22 to be paid for the support of the minor child or children.

23 Sec. 2. Section 25-503, Arizona Revised Statutes, is amended to read:

24 25-503. Order for support; methods of payment; modification;
25 revocation; statute of limitations; judgment on
26 arrearages; notice; security

27 A. In any proceeding in which there is at issue the support of a
28 child, the court may order either or both parents to pay any amount necessary
29 for the support of the child. If a personal check for support payments and
30 handling fees is rightfully dishonored by the payor bank or other drawee, any
31 subsequent support payments and handling fees shall be paid only by cash,
32 money order, cashier's check, traveler's check or certified check. The
33 department may collect from the drawer of a dishonored check or draft an
34 amount allowed pursuant to section 44-6852. Pursuant to sections 35-146 and
35 35-147, the department shall deposit monies collected pursuant to this
36 subsection in a child support enforcement administration fund. If a party
37 required to pay support other than by personal check demonstrates full and
38 timely payment for twenty-four consecutive months, that party may pay support
39 by personal check if these payments are for the full amount, are timely
40 tendered and are not rightfully dishonored by the payor bank or other drawee.
41 On a showing of good cause, the court may order that the party or parties
42 required to pay support give reasonable security for these payments. If the
43 court sets an appearance bond and the obligor fails to appear, the bond is
44 forfeited and credited against any support owed by the party required to pay

1 support. This subsection does not apply to payments that are made by means
2 of a wage assignment.

3 B. On a showing that an income withholding order has been ineffective
4 to secure the timely payment of support and that an amount equal to six
5 months of current support has accrued, the court shall require the obligor
6 to give security, post bond or give some other guarantee to secure overdue
7 support.

8 C. In title IV-D cases, and in all other cases subject to an income
9 withholding order issued on or after January 1, 1994, after notice to the
10 party entitled to receive support, the department or its agent may direct the
11 party obligated to pay support or other payor to make payment to the support
12 payment clearinghouse. The department or its agent shall provide notice by
13 first class mail.

14 D. The obligation for current child support shall be fully met before
15 any payments under an order of assignment may be applied to the payment of
16 arrearages. If a party is obligated to pay support for more than one family
17 and the amount available is not sufficient to meet the total combined current
18 support obligation, any monies shall be allocated to each family as follows:

19 1. The amount of current support ordered in each case shall be added
20 to obtain the total support obligation.

21 2. The ordered amount in each case shall be divided by the total
22 support obligation to obtain a percentage of the total amount due.

23 3. The amount available from the obligor's income shall be multiplied
24 by the percentage under paragraph 2 of this subsection to obtain the amount
25 to be allocated to each family.

26 E. If a payment is not received within ten days after the date in the
27 court order for payment of support that is to be paid directly to the party
28 entitled to receive support, the support order may be enforced by all civil
29 remedies provided by law.

30 F. Any order for child support may be modified or revoked on a showing
31 of changed circumstance that is substantial and continuing, except as to any
32 amount that may have accrued as an arrearage before the date of the filing
33 of the notice of the motion or order to show cause to modify or revoke. The
34 addition of health insurance coverage as defined in section 25-531 or a
35 change in the availability of health insurance coverage may constitute a
36 continuing and substantial change in circumstance. The order of modification
37 or revocation may be made retroactive to the date of the filing of the notice
38 of motion or order to show cause to modify or to revoke or to any date after
39 the filing. The order of modification or revocation may include an award of
40 attorney fees and court costs to the prevailing party.

41 G. Notwithstanding subsection F of this section, in a title IV-D case
42 a party, or the department or its agent if there is an assignment of rights
43 under section 46-407, may request every three years that an order for child
44 support be reviewed and, if appropriate, adjusted. The request may be made
45 without a specific showing of a changed circumstance that is substantial and

1 continuing. The department or its agent shall conduct the review in
2 accordance with the child support guidelines of this state. If appropriate,
3 the department shall file a petition in the superior court to adjust the
4 support amount. Every three years the department or its agent shall notify
5 the parties of their right to request a review of the order for support. The
6 department or its agent shall notify the parties by first class mail at their
7 last known address or by including the notice in an order.

8 H. If a party in a title IV-D case requests a review and adjustment
9 sooner than three years, the party shall demonstrate a changed circumstance
10 that is substantial and continuing.

11 I. The right of a party entitled to receive support or the department
12 to receive child support payments as provided in the court order vests as
13 each installment falls due. Each vested child support installment is
14 enforceable as a final judgment by operation of law. Unless it is reduced
15 to a written money judgment, an unpaid child support judgment that became a
16 judgment by operation of law expires three years after the emancipation of
17 the last remaining unemancipated child who was included in the court order.
18 Beginning on January 1, 2000, child support orders, including modified
19 orders, must notify the parties of this expiration date. The filing of a
20 request for a written money judgment before the end of that period preserves
21 the right to judgment until the court grants a judgment or the court denies
22 the request. A request does not need to be filed within three years if:

23 1. The court later determines that the actions or conduct of an
24 obligor impeded the establishment of a written money judgment, including
25 avoiding service or notice of that action, changing a name or social security
26 number or leaving the state where the last support order was entered without
27 notifying the party to whom support is ordered to be paid or the court or the
28 department of that party's residential and mailing addresses.

29 2. The court later finds that the obligor threatened, defrauded or
30 wrongfully coerced the obligee into not filing a request to reduce any
31 support arrearages to a written money judgment.

32 J. The department or its agent or a party entitled to receive support
33 may file a request for judgment for support arrearages not later than three
34 years after the emancipation of all of the children who were the subject of
35 the court order. In such a proceeding there is no bar to establishing a
36 money judgment for all of the unpaid child support arrearages for all of the
37 children who were the subject of the court order. Notwithstanding any other
38 law, formal written judgments for support and for associated costs and
39 attorney fees are exempt from renewal and are enforceable until paid in full.
40 If emancipation is disputed, this subsection shall be liberally construed to
41 effect its intention of diminishing the limitation on the collection of child
42 support arrearages.

43 K. If the department or its agent or a party entitled to receive child
44 support or spousal maintenance if the spousal maintenance is combined with
45 a child support order has not received court ordered payments, the department

1 or its agent or a party may file with the clerk of the superior court a
2 request for judgment of arrearages and an affidavit indicating the name of
3 the party obligated to pay support and the amount of the arrearages. The
4 request must include notice of the requirements of this section and the right
5 to request a hearing within twenty days after service in this state or within
6 thirty days after service outside this state. The request, affidavit and
7 notice must be served pursuant to the Arizona rules of civil procedure on all
8 parties including the department or its agents in title IV-D cases. In a
9 title IV-D case, the department or its agent may serve all parties by
10 certified mail, return receipt requested. Within twenty days after service
11 in this state or within thirty days after service outside this state, a party
12 may file a request for a hearing if the arrearage amount or the identity of
13 the person is in dispute. If a hearing is not requested within the time
14 provided, or if the court finds that the objection is unfounded, the court
15 must review the affidavit and grant an appropriate judgment against the party
16 obligated to pay support.

17 L. If AFTER REASONABLE EFFORTS TO LOCATE THE OBLIGEE the clerk or
18 support payment clearinghouse is unable to deliver payments for a period of
19 ~~three months~~ ONE HUNDRED TWENTY DAYS AFTER THE DATE THE FIRST PAYMENT IS
20 RETURNED AS UNDELIVERABLE due to the failure of a party to whom the support
21 has been ordered to be paid to notify the clerk or support payment
22 clearinghouse of a change in address, the clerk or support payment
23 clearinghouse shall return the THAT AND ALL OTHER UNASSIGNED payments to the
24 obligor UNLESS THERE IS AN AGREEMENT OF THE OBLIGOR TO PAY ASSIGNED ARREARS
25 AND OTHER DEBTS OWED TO THE STATE.

26 M. For the purposes of subsections I and J of this section, a child
27 is emancipated:

- 28 1. On the date of the child's marriage.
- 29 2. On the child's eighteenth birthday.
- 30 3. When the child is adopted.
- 31 4. When the child dies.
- 32 5. On the termination of the support obligation if support is extended
33 beyond the age of majority pursuant to section 25-501, subsection A or
34 section 25-320, subsections B and C.

35 Sec. 3. Section 25-504, Arizona Revised Statutes, is amended to read:

36 25-504. Order of assignment; ex parte order of assignment;
37 responsibilities; violation; termination

38 A. In a proceeding in which the court orders a person to pay support
39 the court shall, and in a proceeding in which the court orders a person to
40 pay spousal maintenance the court may, assign to the person or agency
41 entitled to receive the support or spousal maintenance that portion of the
42 person's income necessary to pay the amount ordered by the court. In a
43 proceeding in which spousal maintenance is ordered to be paid the court shall
44 order the assignment on either party's request.

1 B. A person obligated by an order to pay support or spousal
2 maintenance, the person to whom support or spousal maintenance is ordered to
3 be paid or the department or its agent in a title IV-D case may file a
4 verified request with the clerk of the superior court requesting the clerk
5 to issue an ex parte order of assignment for support or spousal maintenance.
6 The ex parte order of assignment may include a payment for current support
7 and any other support, current spousal maintenance, spousal maintenance
8 arrearages and interest on spousal maintenance arrearages. A request filed
9 by the department or its agent need not be verified. The request shall state:

10 1. The name of the person or agency entitled to receive support or
11 spousal maintenance.

12 2. The monthly amount of any current support and the monthly amount
13 of any spousal maintenance ordered by the court.

14 3. The specific amount requested for any support arrearages, spousal
15 maintenance arrearages or interest.

16 4. The name and address of the payor to whom it is requested the order
17 of assignment be directed and the name and social security number of the
18 person obligated to pay support or spousal maintenance.

19 C. After receipt of a request for an ex parte order of assignment the
20 clerk of the superior court, without a hearing or notice to the person
21 obligated to pay support or spousal maintenance, shall issue an order of
22 assignment of that portion of the person's income as is sufficient to pay the
23 amount requested to the person or agency entitled to receive the support or
24 spousal maintenance. On issuance of an ex parte order of assignment, the
25 clerk shall issue a notice directed to the obligor in substantially the
26 following form, which shall also be in Spanish:

27 Notice

28 To: The obligor (the person ordered to pay support or
29 spousal maintenance)

30 This is to notify you that part of your income or other
31 monies is being taken away by the enclosed order of assignment
32 that was issued on a request for an order of assignment that
33 also is enclosed. The order of assignment has been issued for
34 currently accruing child support or spousal maintenance, or
35 both, based on the requesting party's claim that you are
36 obligated to pay this. In addition, the requesting party may be
37 claiming a right to collect other support, as defined in section
38 25-500, Arizona Revised Statutes, arrearages on spousal
39 maintenance or interest on a judgment for unpaid spousal
40 maintenance.

41 If you believe the enclosed order of assignment is
42 improper or unlawful, that your property is exempt by law, or
43 that your employer or other payor is withholding more than is
44 permitted by law, you may request a hearing before the superior
45 court. You must file a request to terminate or adjust the order

1 of assignment on forms provided by the clerk of the court within
2 seven days after your receipt of the order for assignment,
3 request for an order of assignment and this notice. If you
4 request a hearing, it will be held no more than ten days after
5 you file your request with the court.

6 Here are some other important things you should know:

7 The order of assignment is effective immediately on
8 service of the order on your employer or another payor. The
9 first employer or payor served shall not withhold or deduct
10 amounts specified in the ex parte order of assignment for
11 fourteen calendar days from the date of service to allow you,
12 the obligor, an opportunity to contest the order of assignment
13 as provided in section 25-504, Arizona Revised Statutes. A
14 future employer or payor may begin deductions sooner than the
15 fourteen day period after the order of assignment is received.

16 If you request a hearing, the court, after considering the
17 financial resources of both parties and the reasonableness of
18 the positions each party has taken, may order a party to pay a
19 reasonable amount to the other for the attorney fees and costs
20 of filing or defending the request.

21 Under state law (section 33-1131, Arizona Revised
22 Statutes) no more than one-half of your disposable earnings for
23 any pay period may be taken to satisfy an order issued for
24 support or spousal maintenance. The amount of disposable
25 earnings exempt from the order of assignment must be paid to you
26 when due. Disposable income means the remaining portion of your
27 wages, salary or compensation for personal services, including
28 bonuses and commissions, or otherwise, and includes payments
29 pursuant to a pension or retirement program or a deferred
30 compensation plan, after deducting from such earnings the
31 amounts required by law to be withheld.

32 An employer or other payor who receives the order of
33 assignment may deduct from amounts due to you one dollar for
34 each pay period, but not more than four dollars per month, for
35 costs. The employer or payor also must deduct a monthly amount
36 for the support payment handling fee required by state law
37 (section 25-510, Arizona Revised Statutes).

38 The employer or other payor on whom the order of
39 assignment is served will continue to withhold the amount set in
40 the order and will forward the payment to the support payment
41 clearinghouse until you file with the clerk one of the
42 following:

43 1. A verified request to adjust the order of assignment,
44 and the court adjusts the order of assignment because there has

1 been a change of circumstances since the time of the issuance of
2 the order or there is other good cause to do so.

3 2. A verified request for a hearing to terminate the
4 order of assignment and, after a hearing, the court terminates
5 the order of assignment if all obligations have been satisfied
6 or will be satisfied within ninety days.

7 3. A notarized stipulation stating that the obligation to
8 pay support or spousal maintenance has ended and that all
9 arrearages either have been satisfied or have been waived, and
10 the clerk terminates the order of assignment.

11 An employer may not refuse to hire, may not discharge or
12 may not otherwise discipline you as a result of the order of
13 assignment. If you are wrongfully refused employment,
14 discharged or otherwise disciplined you may recover damages
15 suffered, plus reinstatement if appropriate, plus reasonable
16 attorney fees and costs incurred against the employer.

17 Unless a court has expressly ordered otherwise, you must
18 notify the clerk of the court or the support payment
19 clearinghouse in writing of the address of your residence and of
20 your employment and, within ten days, of a change in either one.
21 Your failure to do so may subject you to sanctions for contempt
22 of court, including reasonable attorney fees and costs pursuant
23 to state law (section 25-504, subsection R, Arizona Revised
24 Statutes). Official notices will be delivered to you at the
25 most recent addresses you have provided to the clerk or support
26 payment clearinghouse.

27 D. Any order of assignment shall be issued only for support, spousal
28 maintenance, spousal maintenance arrearages, interest on spousal maintenance
29 arrearages and handling fees. The order of assignment shall state the total
30 amount that the payor shall withhold. The order of assignment also shall
31 specify the monthly amount of current support and any other payment ordered
32 for support, the monthly amount of any current spousal maintenance, the
33 monthly amount of any spousal maintenance arrearages and any monthly interest
34 payment. If the obligor's disposable earnings from the primary employer or
35 other payor do not meet the support obligation, the court shall issue an
36 order of assignment to a secondary employer or other payor of the obligor in
37 order to meet the full support obligation.

38 E. An order of assignment shall be served on any employer or other
39 payor by first class mail, electronic transmission or personal delivery or
40 pursuant to the Arizona rules of civil procedure. The order of assignment
41 is effective immediately on receipt by any employer or other payor and any
42 future employer or future payor. Any employer or other payor of monies shall
43 begin withholding no later than fourteen days after receipt of an order of
44 assignment. The employer or other payor, if feasible, may begin withholding

1 sooner than the fourteen day period if a payment to the obligor is due
2 sooner.

3 F. Two copies of an ex parte order of assignment and of the request
4 for an order of assignment, together with a copy of the notice required by
5 this section, shall be served on any employer or other payor in the same
6 manner as other orders of assignment under this section. Within five days
7 after receipt, the employer or payor shall serve by personal delivery or by
8 registered mail one copy of the ex parte order of assignment and of the
9 request and the notice on the employee or other payee. The ex parte order
10 of assignment is effective on any employer or other payor, and as an
11 assignment by operation of law is effective on any future employers or other
12 future payors, immediately on receipt. The first employer or other payor
13 served shall not withhold or deduct amounts specified in the ex parte order
14 of assignment for fourteen calendar days to allow the obligor an opportunity
15 to contest the order of assignment as provided in this section. Any future
16 employers or future payors shall begin withholding not later than fourteen
17 days after receipt of an ex parte order of assignment but, if feasible, may
18 begin withholding sooner than fourteen days if a payment to the obligor is
19 due sooner.

20 G. After service of an ex parte order of assignment on the employer
21 or payor that initially receives the order of assignment, an obligor may
22 request a hearing to contest the ex parte order of assignment. The request
23 shall be made in writing, and the obligor shall state under oath the specific
24 reason for the request. The request shall be filed with the court together
25 with a notice of hearing form. The court shall hold a hearing within ten
26 days after the request and notice of hearing form is filed. Immediately on
27 the scheduling of the hearing, the obligor shall serve a copy of the request
28 for and notice of hearing on the person entitled to receive support, and in
29 a title IV-D case to the department. If the obligor files a request for
30 hearing within seven days after receipt of the order of assignment, the court
31 may order the support payment clearinghouse not to disburse any monies
32 received pursuant to the order of assignment until further order of the
33 court. The obligor may contest the withholding for any of the following
34 reasons:

- 35 1. There is an error in the identity of the obligor.
- 36 2. There is an error in the amount of support or spousal maintenance.
- 37 3. Invalidity of the order for support or spousal maintenance.
- 38 4. Current support or spousal maintenance is no longer owed, if the
39 order of assignment includes a payment for current support or spousal
40 maintenance.
- 41 5. Arrearages are not owed if the order of assignment includes a
42 payment for arrearages.

43 H. Any employer or other payor who has received any order of
44 assignment shall withhold the amount specified in the order of assignment,
45 together with the handling fee as provided in section 25-510, from the income

of the person obligated to pay support or spousal maintenance and shall transmit the withheld monies to the support payment clearinghouse within two business days after the obligor is paid or after the payment to the obligor is due. The handling fee shall be deducted and transmitted monthly. For the cost of compliance the employer or payor may also withhold and retain an additional one dollar per payment but not more than four dollars per month for each obligor. An employer or payor may combine in a single payment withheld monies for more than one obligor, shall separately identify the portion of the remittance that is attributable to each obligor and shall include each obligor's social security number. An employer or payor shall notify the clerk or support payment clearinghouse in writing when the obligor is no longer employed or the right to receive income or other monies has been terminated. The employer or payor shall also notify the clerk or support payment clearinghouse in writing of the obligor's social security number and last known address and the name and address of the obligor's new employer, if known, within ten days. In a non-title IV-D case, within ten days after receiving this information the support payment clearinghouse shall notify the clerk of the superior court in the county where the support or maintenance order was issued. If within ninety days of the last payment, the employer or other payor reemploys the obligor or becomes obligated to pay the obligor, the employer or payor is again bound by the order of assignment and is required to perform as required by this section. In a title IV-D case the order of assignment may be reinstated pursuant to section 25-505.01. An employer or payor who fails without good cause to comply with the terms of an order of assignment is liable for amounts not paid to the clerk or support payment clearinghouse pursuant to the order of assignment and reasonable attorney fees, costs and other expenses incurred in procuring compliance and may be subject to contempt.

I. If a person is obligated to pay child support for more than one family and the amount available for withholding is not sufficient to meet the total combined current child support obligation, any monies withheld from the obligor's income shall be allocated to each family by the employer or payor as follows:

1. The amount of current child support ordered in each case shall be added together to obtain the total current child support obligation.

2. The amount of current child support ordered in each case shall be divided by the total current child support obligation to obtain the percentage of the total current child support obligation to be allocated to each case.

3. The amount withheld from the obligor shall be multiplied by the percentage for each case to obtain the amount to be allocated to each case.

J. The person or agency entitled to receive support or spousal maintenance shall notify the clerk of the superior court or support payment clearinghouse in writing of any change of residential address and of any other information required pursuant to section 46-443, within ten days of any

1 change. If AFTER REASONABLE EFFORTS TO LOCATE THE OBLIGEE the clerk or
 2 support payment clearinghouse is unable to deliver payments under an order
 3 of assignment for ~~a~~ THE period of ~~three months~~ PRESCRIBED IN SECTION 25-503
 4 due to the failure of an obligee to comply with the notice requirement of
 5 this subsection, the clerk or support payment clearinghouse shall not make
 6 further payment under the order of assignment and shall return payments to
 7 the obligor AS PRESCRIBED IN SECTION 25-503. Under these circumstances the
 8 court, clerk or department or its agent shall order the release of the
 9 employer or payor from the order of assignment on request of the employer,
 10 the payor, the department or its agent or on the clerk's own initiative. Any
 11 order of assignment from which an employer or payor has been released may be
 12 reinstated by following the procedures for obtaining an ex parte order of
 13 assignment pursuant to this section or, in a title IV-D case, an
 14 administrative income withholding order pursuant to section 25-505.01.

15 K. Unless a court has ordered otherwise, the person ordered to pay
 16 support or spousal maintenance shall notify the clerk of the superior court
 17 or the support payment clearinghouse in writing of the obligor's residential
 18 address and the name and address of any employer, and within ten days of any
 19 change. Failure to do so may subject the person to sanctions for contempt
 20 of court, including reasonable attorney fees and costs.

21 L. Any order of assignment may be adjusted if there has been a change
 22 of circumstances since the date the order of assignment was issued or for
 23 good cause. The department or its agent or a person obligated to pay or
 24 entitled to receive support or spousal maintenance shall file with the clerk
 25 of the superior court a request to adjust the order of assignment and a
 26 proposed order of assignment. The request shall specify the adjustment
 27 sought and the reason for the request. A copy of the request shall be served
 28 pursuant to the Arizona rules of civil procedure, or by the department or its
 29 agent in a title IV-D case by first class mail, on all other parties and on
 30 the state if the department is providing title IV-D support services or has
 31 a claim for arrearages. The party receiving the request and proposed order
 32 may request a hearing within twenty days or within thirty days if service is
 33 made outside this state. On proof of service and if a hearing has not been
 34 requested within the time allowed, the clerk shall issue the order of
 35 assignment as appropriate. Within two business days after the date the order
 36 of assignment is issued, the clerk shall transmit a copy of the order of
 37 assignment to the employer or payor, the department or its agent and all
 38 parties. Unless ordered otherwise by the court, in a title IV-D case any
 39 order of assignment may be adjusted pursuant to section 25-505.01.

40 M. The department or its agent or a person obligated to pay or
 41 entitled to receive support or spousal maintenance may file a request to
 42 terminate any order of assignment if the obligation to pay support or spousal
 43 maintenance has ended or will end within ninety days after the filing of the
 44 request and if all arrearages either have been paid or will be paid within
 45 the period or have been waived. The request shall state the reason why

1 termination is requested and shall contain the name and address of the
 2 employer or payor of the person obligated to pay support. A copy of the
 3 request shall be served pursuant to the Arizona rules of civil procedure, or
 4 by the department or its agent in a title IV-D case by first class mail, on
 5 all other parties and on the state if the department is providing title IV-D
 6 support services or has a claim for arrearages. A party receiving this
 7 notice may request a hearing within twenty days or within thirty days if
 8 service is made outside this state. On proof of service and if a hearing has
 9 not been requested within the time allowed, the clerk shall issue an order
 10 terminating the order of assignment as appropriate. Within two business days
 11 after the date the order is issued, the clerk shall transmit a copy of the
 12 order terminating the order of assignment to the employer or payor and to the
 13 department or its agent. If a hearing is requested, the court shall set the
 14 hearing within twenty days after receiving the request and shall issue an
 15 appropriate order. A person who is ordered to pay support may request the
 16 court to terminate an order of assignment at any time if an employer is
 17 making deductions on multiple assignments for an obligation for the same
 18 minor children. Notwithstanding any law to the contrary, the clerk shall not
 19 charge a fee to a person who files a request to terminate an order of
 20 assignment if an employer is making deductions on multiple assignments for
 21 an obligation for the same minor children.

22 N. If a request to adjust or terminate an order of assignment is
 23 filed, the court in its discretion may order that the clerk of the superior
 24 court or support payment clearinghouse not disburse any monies in dispute
 25 until further order of the court.

26 O. The clerk of the superior court shall issue an order terminating
 27 the order of assignment if the parties, including the department or its agent
 28 in a title IV-D case, file a notarized stipulation with the clerk that all
 29 obligations of support or spousal maintenance have been satisfied and that
 30 the obligor is no longer obligated to pay support or spousal
 31 maintenance. The stipulation shall state that the current obligation of
 32 support or spousal maintenance no longer exists and that all arrearages
 33 either have been satisfied or waived. The stipulation shall also contain the
 34 name and address of the employer or payor of the person obligated to pay
 35 support or spousal maintenance. Within five business days after the date the
 36 stipulation is filed, the clerk shall transmit a copy of the order
 37 terminating the order of assignment to the employer or payor and to the
 38 department or its agent. Notwithstanding any law to the contrary, the clerk
 39 shall not charge a fee to a party who files a stipulation pursuant to this
 40 subsection.

41 P. An assignment ordered pursuant to this section has priority over
 42 all other executions, attachments or garnishments. An obligation for current
 43 child support shall be fully met before any payments pursuant to an order of
 44 assignment may be applied to any other support obligation. An assignment

1 ordered under this section does not apply to amounts made exempt under
2 section 33-1131 or any other applicable exemption law.

3 Q. Any employer or other payor shall not refuse to hire a person and
4 shall not discharge or otherwise discipline an obligor because of service of
5 an order of assignment authorized by this section. An employer or payor who
6 refuses to hire a person or who discharges or otherwise disciplines an
7 employee or obligor because of service of an order of assignment is subject
8 to contempt and sanctions as may be ordered by the court. A person who is
9 wrongfully refused employment, wrongfully discharged or otherwise disciplined
10 is entitled to recover damages sustained by the prohibited conduct,
11 reinstatement, if appropriate, and attorney fees and costs incurred.

12 R. In any proceeding under this section the court, after considering
13 the financial resources of the parties and the reasonableness of the
14 positions each party has taken, may order a party to pay a reasonable amount
15 to another party for the costs and expenses, including attorney fees, of
16 maintaining or defending the proceeding.

17 Sec. 4. Section 25-522, Arizona Revised Statutes, is amended to read:

18 25-522. Administrative review; notice; determination; judicial
19 review; definitions

20 A. An obligor may contest an enforcement action by the department OR
21 ITS AGENT by filing a request for administrative review. An obligee may
22 contest the distribution OR DISBURSEMENT of support payments by the
23 department OR ITS AGENT by filing a request for administrative review. The
24 obligor, THE obligee or the caretaker may contest the disbursement of support
25 ~~pursuant to section 46-444~~ TO A NONCUSTODIAL PERSON OTHER THAN THE STATE by
26 filing a request for administrative review PURSUANT TO SECTION 46-444. The
27 request shall be in writing, shall be signed by the requesting party, shall
28 include a residential and mailing address and may be transmitted
29 electronically. The request shall state the basis for the dispute and shall
30 include any relevant information to assist the department OR ITS AGENT,
31 including a copy of any order issued, documentation of support payments made
32 and any notice sent by the department OR ITS AGENT.

33 B. Within ten business days after receipt of the request for review,
34 the department OR ITS AGENT shall send a notice of ACKNOWLEDGMENT OF RECEIPT
35 OF REQUEST FOR administrative review to the person filing the request and
36 shall specify any additional information the department OR ITS AGENT requires
37 to complete the review. THE DEPARTMENT OR ITS AGENT ON ITS OWN INITIATIVE
38 MAY ALSO REQUEST ANY OTHER ADDITIONAL INFORMATION IT DEEMS NECESSARY TO MAKE
39 ITS DETERMINATION. The department OR ITS AGENT shall also notify the obligee
40 of the OBLIGOR'S request for review OF ENFORCEMENT ACTIONS.

41 C. EXCEPT FOR OBLIGEE COMPLAINTS MADE UNDER SECTION 46-408 AS TO
42 DISTRIBUTION OF SUPPORT, the department OR ITS AGENT shall issue a WRITTEN
43 determination within forty-five business days after sending the notice of
44 ACKNOWLEDGMENT OF RECEIPT OF REQUEST FOR administrative review, or if
45 additional information is required, forty-five business days after receipt

1 of this information. If additional information is not received from the
2 requesting party OR ANOTHER PERSON within ten THIRTY business days after the
3 date of the department's OR THE AGENT'S request for additional information,
4 the department shall issue a final WRITTEN determination WITHIN TEN BUSINESS
5 DAYS AFTER THE DUE DATE FOR RECEIPT OF THE ADDITIONAL INFORMATION based on
6 the AVAILABLE information provided. The final determination shall be in
7 writing, and a copy shall be served on all parties by first class mail.

8 D. Notwithstanding subsections B and C of this section, if the basis
9 for the request for review is issuance of an income withholding order by the
10 department pursuant to section 25-505.01 or a levy made pursuant to section
11 25-521, the department shall review the request and issue a final
12 determination within ten business days after it receives the request for
13 review. The department shall send a copy of the final determination by first
14 class mail to all parties.

15 E. Notwithstanding subsections B, C and D of this section, if the
16 basis for the request for review is a mistake in identity pursuant to section
17 25-521, the department shall issue a final determination by first class mail
18 to all parties within two business days after the receipt of the
19 request. The request shall include adequate documentation to affirm the
20 mistake in identity.

21 F. A department determination made pursuant to this section is subject
22 to judicial review under title 12, chapter 7, article 6 except that an appeal
23 by an obligee of a department determination made pursuant to this section
24 regarding the distribution of support payments shall be made pursuant to
25 title 41, chapter 14, article 3.

26 G. For purposes of this section:

27 1. "Business day" means a day on which state offices are open for
28 regular business.

29 2. "Department" includes the department's agent.

30 3. "Enforcement action" means an action taken by the department to:

31 (a) Suspend or deny a license.

32 (b) Issue a notice of lien against real or personal property.

33 (c) Issue a notice of levy against assets held by or on behalf of an
34 obligor.

35 (d) Issue an income withholding order or order to modify or terminate
36 an income withholding order.

37 (e) Report an obligor to a consumer reporting agency.

38 (f) Issue a medical support notice of enrollment prescribed by the
39 United States secretary of health and human services.

40 (g) Offset federal payments.

41 (h) Disburse support to a caretaker.

42 Sec. 5. Section 46-402, Arizona Revised Statutes, is amended to read:
43 46-402. Definitions

44 In this chapter, unless the context otherwise requires:

1 1. "Absent parent" means the non-custodial natural or adoptive father
2 or mother of a dependent child.

3 2. "BUSINESS DAY" HAS THE SAME MEANING PRESCRIBED IN SECTION 25-500.

4 ~~2.~~ 3. "Court" means any court in this or any other state having
5 jurisdiction to determine the liability of persons for the support of another
6 person.

7 ~~3.~~ 4. "Court order" means any judgment or order of any court which
8 THAT orders payment of a set or determinable amount of support money.

9 ~~4.~~ 5. "Department" means the Arizona department of economic security.

10 ~~5.~~ 6. "Dependent child" means a person under the age of eighteen who
11 is eligible for TEMPORARY assistance to ~~dependent children~~ FOR NEEDY FAMILIES
12 as provided in chapter 2, article 5 of this title.

13 ~~6.~~ 7. "Director" means the director of the department of economic
14 security or the director's designee or authorized representative.

15 8. "OBLIGEE" HAS THE SAME MEANING PRESCRIBED IN SECTION 25-500.

16 ~~7.~~ 9. "Public assistance" or "assistance" means any money payments
17 made by the department which THAT are paid to or for the benefit of any
18 dependent child as provided in chapter 2, article 5 of this title.

19 ~~8.~~ 10. "State" includes a state, territory or possession of the
20 United States, the District of Columbia and the commonwealth of Puerto Rico.

21 11. "TITLE IV-D" HAS THE SAME MEANING PRESCRIBED IN SECTION 25-500.

22 Sec. 6. Section 46-407, Arizona Revised Statutes, is amended to read:

23 46-407. Assignment of rights to support; definition

24 A. The right to support of a child and spouse who receive temporary
25 assistance to FOR needy families pursuant to Public Law 104-193 and chapter
26 2, article 5 of this title and the right to medical support of a child who
27 receives medical assistance under title XIX of the social security act is
28 assigned to this state by operation of law. The support rights are assigned
29 to the state regardless of whether the applicant for assistance has any right
30 to receive the support. The department shall take all steps necessary to
31 enforce the assigned rights to support.

32 B. The support rights assigned to the state apply to all children of
33 the household for whom temporary assistance to FOR needy families is granted.
34 If a child is denied temporary assistance to FOR needy families due to the
35 receipt of social security income for the child, the department shall divide
36 the court ordered child support amount by the number of children in the court
37 order. The prorated amount for the child receiving social security income
38 is exempt from assignment.

39 C. THE RIGHT TO SUPPORT OF A CHILD ON WHOSE BEHALF FOSTER CARE
40 MAINTENANCE PAYMENTS ARE MADE IS ASSIGNED PURSUANT TO SECTION 8-243.02. IF
41 THE CHILD SUPPORT ORDER COVERS MORE THAN ONE CHILD, THE DEPARTMENT SHALL
42 DETERMINE THE AMOUNT TO BE DISTRIBUTED TO THE STATE BY DIVIDING THE COURT
43 ORDERED SUPPORT AMOUNT BY THE NUMBER OF THE CHILDREN IN THE COURT ORDER.

44 ~~C.~~ D. For purposes of this section, "support" has the same meaning
45 prescribed in section 25-500.

1 Sec. 7. Section 46-408, Arizona Revised Statutes, is amended to read:
2 46-408. Assignment of support rights; priority; definitions

3 A. The assignment under section 46-407 is subject to all of the
4 following:

5 1. Terminates with respect to current support when the person entitled
6 to receive support is no longer receiving temporary assistance for needy
7 families.

8 2. While receiving temporary assistance for needy families the
9 assignment applies to any rights to support from any other person including
10 any support which THAT accrued prior to BEFORE receiving temporary assistance
11 for needy families.

12 3. Does not preclude enforcement of support in the name of the person
13 entitled to receive support.

14 4. Does not bind any person who lawfully pays support to the person
15 entitled to receive support.

16 5. Does not assign amounts which THAT exceed the amount of temporary
17 assistance for needy families paid to the person entitled to receive support
18 to which the state is entitled to be reimbursed.

19 6. When the person entitled to receive support is not receiving
20 temporary assistance for needy families, amounts paid for support shall be
21 credited first to that month's current court ordered support up to an amount
22 equal to the amount of the court order in effect at the time of payment and
23 the excess, if any, shall be subject to the assignment.

24 7. The assignment applies to arrearages provided in the court order
25 subject to the following priorities:

26 (a) If the person entitled to receive support is currently receiving
27 temporary assistance for needy families, the state's claim for arrearages
28 shall have priority over all other support claims except for current support.

29 (b) If the person entitled to receive support is not currently
30 receiving temporary assistance for needy families, the state and the person
31 entitled to receive support shall have a proportionate claim for any
32 arrearages owed to the state and the custodial parent under a child support
33 order. The arrearage payment shall be distributed on the total outstanding
34 arrearage amount and the percentage of the total outstanding arrearage owed
35 to the state and the person entitled to receive support.

36 B. Notwithstanding subsection A, paragraph 7 of this section, for
37 distributions that occur or should have occurred beginning October 1, 1997,
38 the department shall distribute support payments as prescribed in title IV-D
39 of the social security act and its implementing regulations as follows:

40 1. Distribute to the family amounts not subject to the assignment.

41 2. Pay the federal government the federal share of the amount
42 collected.

43 3. Retain the state share of the amount collected.

44 4. Retain payments collected through the federal income tax refund
45 intercept program to the extent past due support has been assigned to the

1 state. Any amount collected in excess of the past due support assigned to
2 the state shall be distributed to the past due support owed to the family.

3 C. BEGINNING ON JULY 1, 2003, FOR CHILD SUPPORT DUE AND ANY CHILD
4 SUPPORT ARREARAGES THAT ACCRUE AFTER THAT DATE, THE DEPARTMENT SHALL
5 DISTRIBUTE TO THE OBLIGEE THE EQUIVALENT OF THIS STATE'S SHARE OF ANY SUPPORT
6 PAYMENTS RECEIVED FOR THE BENEFIT OF A CHILD WHO IS SUBJECT TO SECTION
7 46-292, SUBSECTION G. IF THE CHILD SUPPORT ORDER COVERS ADDITIONAL CHILDREN,
8 THE DEPARTMENT SHALL DIVIDE THE SUPPORT ORDER BY THE NUMBER OF CHILDREN IN
9 THE COURT ORDER. THE DEPARTMENT SHALL DISTRIBUTE TO THE OBLIGEE THE AMOUNT
10 EQUIVALENT TO THIS STATE'S SHARE OF THE PRORATED AMOUNT ATTRIBUTABLE TO ANY
11 CHILD WHO IS SUBJECT TO SECTION 46-292, SUBSECTION G.

12 ~~C. D. A custodial parent~~ AN OBLIGEE who disagrees with the
13 distribution OR DISBURSEMENT of support payments pursuant to subsection B OR
14 C of this section may request an administrative review pursuant to section
15 25-522 within thirty business days after the date ~~on which a support payment~~
16 ~~is mailed by the support payment clearinghouse or thirty days after the end~~
17 ~~of the month in which the payment was received~~ OF THE DEPARTMENT'S NOTICE TO
18 THE OBLIGEE OF THE DISTRIBUTION AND DISBURSEMENT OF SUPPORT RECEIVED FOR THE
19 PRIOR PERIOD. IN TITLE IV-D CASES WITH A RECEIPT OF SUPPORT, THE DEPARTMENT
20 SHALL SEND NOTICE TO THE OBLIGEE EACH MONTH.

21 E. IN TITLE IV-D CASES THAT HAVE NEVER INVOLVED PUBLIC ASSISTANCE AND
22 IN PUBLIC ASSISTANCE CASES THAT DO NOT HAVE ANY RECEIPTS OF SUPPORT FOR THE
23 LAST QUARTER, THE DEPARTMENT SHALL SEND WRITTEN NOTICE TO THE OBLIGEE
24 REGARDING DISTRIBUTION AND DISBURSEMENT OF SUPPORT ONLY FOR THE MOST RECENT
25 QUARTER OF THE YEAR. THE OBLIGEE HAS THIRTY BUSINESS DAYS AFTER THE DATE OF
26 THAT NOTICE TO SUBMIT A WRITTEN REQUEST FOR AN ADMINISTRATIVE REVIEW. THE
27 DEPARTMENT OR ITS AGENT SHALL SEND A WRITTEN NOTICE OF ACKNOWLEDGMENT OF
28 RECEIPT OF REQUEST FOR ADMINISTRATIVE REVIEW TO THE OBLIGEE WITHIN TEN
29 BUSINESS DAYS AFTER IT RECEIVES A TIMELY REQUEST FOR REVIEW. IF THE
30 DEPARTMENT OR ITS AGENT NEEDS ADDITIONAL INFORMATION FROM THE OBLIGEE TO
31 RESPOND TO THE REQUEST FOR REVIEW, THE DEPARTMENT SHALL INDICATE THIS FACT
32 IN WRITING. THE DEPARTMENT OR ITS AGENT MAY ALSO REQUEST INFORMATION FROM
33 OTHER SOURCES. THE DEPARTMENT OR ITS AGENT SHALL ISSUE A WRITTEN
34 DETERMINATION NOT LATER THAN THIRTY BUSINESS DAYS AFTER THE DATE OF THE
35 NOTICE OF ACKNOWLEDGMENT OF RECEIPT OF REQUEST FOR ADMINISTRATIVE REVIEW OR,
36 IF ADDITIONAL INFORMATION IS REQUIRED, NOT LATER THAN THIRTY BUSINESS DAYS
37 AFTER IT RECEIVES THIS INFORMATION. IF ADDITIONAL INFORMATION REQUESTED BY
38 THE DEPARTMENT OR ITS AGENT IS NOT RECEIVED WITHIN THIRTY BUSINESS DAYS AFTER
39 THE REQUEST FOR MORE INFORMATION, THE DEPARTMENT OR ITS AGENT SHALL ISSUE A
40 WRITTEN DETERMINATION WITHIN TEN BUSINESS DAYS AFTER THE DUE DATE BASED ON
41 THE INFORMATION AVAILABLE. THE DEPARTMENT OR ITS AGENT SHALL SEND A COPY OF
42 THE WRITTEN DETERMINATION TO THE OBLIGEE BY FIRST CLASS MAIL.

43 F. THE OBLIGEE SHALL MAKE ANY APPEAL OF THE DEPARTMENT'S OR ITS
44 AGENT'S DETERMINATION IN WRITING PURSUANT TO TITLE 41, CHAPTER 14, ARTICLE
45 3 AND SHALL FILE IT IN THE DEPARTMENT'S OFFICE OF APPEALS WITHIN THIRTY

1 BUSINESS DAYS AFTER THE DATE OF THE WRITTEN DETERMINATION. AN OBLIGEE MAY
2 APPEAL THE DEPARTMENT'S FINAL DETERMINATION PURSUANT TO SECTION 41-1993.

3 ~~D.~~ G. A payment that is credited against past due support shall be
4 applied first to principal and then to interest.

5 ~~E.~~ H. The department may adopt rules addressing interest and
6 distribution of all monies received by the department in child support cases.

7 ~~F.~~ I. For purposes of this section:

8 1. "Arrearage" has the same meaning prescribed in section 25-500.

9 2. "Business day" means a day on which state offices are open for
10 regular business.

11 3. "Support" has the same meaning prescribed in section 25-500.

12 Sec. 8. Title 46, chapter 3, article 1, Arizona Revised Statutes, is
13 amended by adding section 46-409, to read:

14 46-409. Distribution of child support; federal share

15 A. BEGINNING ON JULY 1, 2003, FOR CHILD SUPPORT DUE AND ANY CHILD
16 SUPPORT ARREARAGES THAT ACCRUE AFTER THAT DATE, THE DEPARTMENT SHALL
17 DISTRIBUTE TO THE OBLIGEE THE EQUIVALENT OF THE FEDERAL SHARE OF ANY SUPPORT
18 PAYMENTS RECEIVED FOR THE BENEFIT OF A CHILD WHO IS SUBJECT TO SECTION
19 46-292, SUBSECTION G.

20 B. IF THE CHILD SUPPORT ORDER COVERS ADDITIONAL CHILDREN, THE
21 DEPARTMENT SHALL DIVIDE THE SUPPORT ORDER BY THE NUMBER OF CHILDREN IN THE
22 COURT ORDER. THE DEPARTMENT SHALL DISTRIBUTE TO THE OBLIGEE THE AMOUNT
23 EQUIVALENT TO THE FEDERAL SHARE OF THE PRORATED AMOUNT ATTRIBUTABLE TO ANY
24 CHILD WHO IS SUBJECT TO SECTION 46-292, SUBSECTION G.

25 Sec. 9. Section 46-441, Arizona Revised Statutes, is amended to read:

26 46-441. Support payment clearinghouse; records transfer;
27 payment; definition

28 A. The department shall establish a central support payment
29 clearinghouse to receive, disburse and monitor support payments pursuant to
30 title IV-D of the social security act.

31 B. Unless the court orders that support or maintenance be paid
32 directly to the party entitled to receive it, all orders for support shall
33 direct payment of support or maintenance through the support payment
34 clearinghouse. All orders that specify payments through the clerk of the
35 superior court shall be deemed to require payment to the support payment
36 clearinghouse after a notice to the obligor is issued.

37 C. The clerk of the superior court shall provide copies of all payment
38 histories and relevant legal documents pertaining to the issue of support.

39 D. On request the support payment clearinghouse shall promptly furnish
40 to the person entitled to receive support or maintenance information on the
41 current status of payments received and processed through the support payment
42 clearinghouse.

43 E. Support payments and handling fees in an amount prescribed in
44 section 25-510 for the monthly support handling fee shall be paid to the
45 support payment clearinghouse. The director shall deposit, pursuant to

1 sections 35-146 and 35-147, the handling fees received by the department in
2 the A child support enforcement administration fund.

3 F. If AFTER REASONABLE EFFORTS TO LOCATE THE OBLIGEE the support
4 payment clearinghouse is unable to deliver payments for a THE period of
5 three months PRESCRIBED IN SECTION 25-503 due to the failure of the person
6 to whom the support has been ordered to be paid to notify the clerk or
7 support payment clearinghouse of a change in address, the clerk or support
8 payment clearinghouse shall not make further payment and shall return the
9 payments to the obligor AS PRESCRIBED IN SECTION 25-503.

10 G. The support payment clearinghouse shall have an accounting system
11 for monitoring child support payments. The records of the support payment
12 clearinghouse are prima facie evidence of payment or nonpayment of support.

13 H. Payment of any money directly to an obligee or to a person other
14 than the support payment clearinghouse shall not be credited against the
15 support obligation unless the direct payments were ordered by the court, or
16 made pursuant to a written support agreement by the parties.

17 I. The support payment clearinghouse shall issue copies of payment
18 histories for payments received and processed through the support payment
19 clearinghouse on request and may charge a fee for these services.

20 J. For the purposes of this section "support" has the same meaning
21 prescribed in section 25-500.

22 Sec. 10. Conditional enactment; notification

23 A. Section 46-409, Arizona Revised Statutes, as added by this act does
24 not become effective unless the United States department of health and human
25 services grants the appropriate waiver necessary to implement that section.

26 B. The director of the department of economic security shall notify
27 the director of the Arizona legislative council in writing of the date on
28 which this condition is met.

APPROVED BY THE GOVERNOR MAY 17, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2002.

Passed the House March 26, 2002,


Passed the Senate May 13, 2002

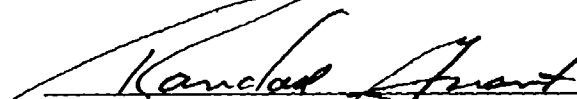
by the following vote: 58 Ayes,

by the following vote: 26 Ayes,

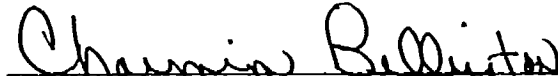
0 Nays, 2 Not Voting

00 Nays, 4 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13 day of May, 2002

at 3:17 o'clock P M.


Secretary to the Governor

Approved this 17 day of

May, 2002,

at 8:22 o'clock A M.


Governor of Arizona

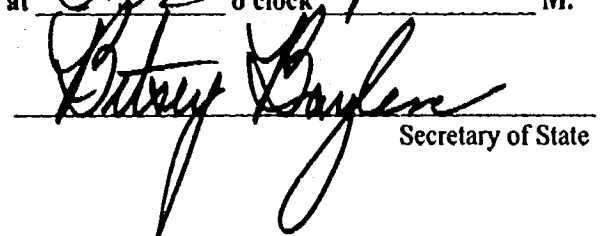
H.B. 2095

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of May, 2002,

at 3:32 o'clock P M.


Secretary of State